

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID LANE JOHNSON,)	CASE NO. 5:17-cv-0047
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	ORDER
)	
NATIONAL FOOTBALL LEAGUE)	
PLAYERS ASSOCIATION, et al.,)	
)	
DEFENDANTS.)	

On February 14, 2017, despite the stay of *all* proceedings (*see* Doc. No. 36), and without seeking leave, plaintiff filed his first amended complaint (FAC).

On February 15, 2017, defendant National Football League Players Association (NFLPA) filed a letter to the Court (Doc. No. 40), stating its belief that the FAC was prohibited due to the stay and further indicating that, unless directed otherwise by the Court, the NFLPA does not intend to respond to the FAC unless and until the motion to transfer venue is denied and then not until 15 days following the denial.

On February 15, 2017, plaintiff filed a letter in response. (Doc. No. 41.) Plaintiff asserts that the FAC was filed “[i]n accordance with Fed. R. Civ. P. 15, and as a matter of right[.]”

The Court acknowledges that, absent the stay order, which could not have been more clear (“All proceedings in this case are stayed until dismissal/transfer is determined.” (Doc. No. 36 at 1685)), plaintiff would have been entitled to file the FAC in response to defendant NFLPA’s Rule 12(b) motion to dismiss. *See* Fed. R. Civ. P. 15(a)(1)(B).

The Court could strike plaintiff's FAC, but it will not do so. Rather, the Court hereby lifts the stay of all proceedings. Further, in light of the FAC, the Court will now permit defendants an opportunity, until March 9, 2017, to supplement any pending motion. Plaintiff shall then have until March 31, 2017 to supplement any opposition, and defendants shall have until April 10, 2017 to file supplemental replies.

IT IS SO ORDERED.

Dated: February 16, 2017



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE